

REMARKS

Claims 1 to 11 are in the application wherein by the Office Action, claims 1 to 4, 6 to 9 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Helmstädtter et al. (U.S. Patent No. 6,038,976) in view Fujimoto (U.S. Patent No. 6,477,951). The Examiner's recognition of the existence of allowable subject matter in claims 5 and 10 is acknowledged.

The comments made by the Examiner in the Office Action have been considered and, pursuant thereto, the claims are hereby amended in order to better define the invention and to distinguish it over the cited references. Specifically, claim 1, as amended, recites that a sheet includes an intermediate cylinder that can individually convey sheets of varied lengths. The intermediate cylinder comprises (i) a main body; (ii) a plurality of suction boxes formed in said main body at positions which are individually set based on the lengths of the sheets, different with respect to a rotation axis of said main body; (iii) a plurality of suction bores; (iv) suction force generation means; (v) switching means for selectively switching connections between said plurality of suction boxes and the suction force generation means corresponding to the length of the sheets being conveyed; and (vi) air jet means.

Likewise, claim 6, as amended, recites that a concerned intermediate cylinder comprises: (i) a main body; (ii) a plurality of suction boxes formed in the main body at positions which are individually set based on the lengths of the sheets, different with respect to a rotation axis of the main body; (iii) a plurality of suction bores; (iv) suction force generation means; (v) switching means for selectively switching connections between the plurality of suction boxes and the suction force

generation means corresponding to the length of the sheets being conveyed; (vi) an actuator; and (vii) air jet means.

Also, claim 11, as amended, recites that a concerned intermediate cylinder comprises (i) a main body; (ii) a plurality of suction boxes formed in the main body at positions which are individually set based on the lengths of the sheets, different with respect to a rotation axis of the main body; (iii) a plurality of suction bores; (iv) a suction pump; (v) a switching valve for selectively switching connections between the plurality of suction boxes and the suction force generation means corresponding to the length of the sheets; and (vi) an air shower.

The comments made by the Examiner in the Office Action are not well taken in that the Examiner points out that a pneumatic control device 35, which is disclosed in Helmstädtter, corresponds to the switching means 7 of the present invention. The Examiner also points out that valves 32, which are disclosed in Helmstädtter, correspond to the suction boxes 15a, 15b of the present claimed invention. The Applicants respectfully disagree with the comments made by the Examiner because Helmstädtter's pneumatic control device 35 does not selectively switch connections between the valves 32 and a sucker 23 corresponding to length of the sheets being conveyed. Consequently, the patent of Helmstädtter et al. fails to teach the arrangement recited in claim 1, as now amended in the application.

On the other hand, the patent to Fujimoto merely discloses, at column 13, lines 15-20, the following: "The pressurized air stream from the air jet unit 41 which is directed toward the reception area 030 between the cylinders presses from above on the sheet which has been taken up by the next impression cylinder 23. This will prevent a thicker sheet from buckling or flapping."

Fujimoto further discloses in FIG. 3 that the direction of air flow from the air jet unit 41 is toward each of the impression cylinders 23a, 23b. This is as contrasted with the present invention wherein the air jet means jets air toward an outer peripheral surface of an intermediate cylinder so that the sheet delivered to the intermediate cylinder is stretched along the outer peripheral surface thereof.

Therefore, the combination of Helmstädter and Fujimoto as suggested by the Examiner cannot constitute a basis for rejection under 35 U.S.C. 103(a) to bar the patentability of the subject matter called for by claims 1, 6, and 11, as now amended, unless a considerable reconstruction is made to the suggested combination of Helmstädter, et al. and Fujimoto. Such reconstruction is specifically disallowed by the court in the line of cases that include *In re Gorman*, 18 USPQ2d 1885 (Fed. Cir. 1991), in which the Federal Circuit has held that it is impermissible simply to engage in a hindsight reconstruction of the claimed invention using the structure of Applicant's own disclosure as a template and selecting elements from either references to fill the gaps.

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Consequently, none of the independent claims 1, 6 and 11 read on the combination of Helmstädtter et al. and Fujimoto. The claims are therefore submitted as being patentable over the references.

Moreover, because claims 2-5 depend either directly or indirectly from amended claim 1, and claims 6-10 similarly depend either directly or indirectly from amended claim 6, these claims are submitted as being allowable for the same reasons asserted above which support the patentability of the independent claims.

Finally, claims 5 and 10 have been rewritten in independent form as suggested by the Examiner and, accordingly, are submitted as being allowable.

In view of the aforementioned amendments and accompanying remarks, the claims presented herein are believed to be in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



John F. Carney
Attorney for Applicant
Reg. No. 20,276

JFC/nrp
Atty. Docket No. **020860A**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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